

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

MARY TULLIE CRITCHER *et al.*

Case No. 1:18-cv-05639-JGK

Plaintiffs,

v.

L'OREAL USA, INC.,

Defendant

**DEFENDANT'S NOTICE OF MOTION AND
MOTION TO DISMISS SECOND AMENDED COMPLAINT**

PLEASE TAKE NOTICE that defendant L'Oreal USA, Inc., hereby moves to dismiss the second amended complaint of all plaintiffs in this matter (1) pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure on grounds that the complaint fails to plead a claim upon which relief can be granted, and (2) pursuant to Rule 12(b)(1) for lack of subject matter jurisdiction.

PLEASE TAKE FURTHER NOTICE that no date is currently set for the hearing of the motion.

Dated: December 10, 2018

GORDON & REES, SCULLY, MANSUKHANI, LLP

By: s/ Justin D. Lewis

Miles D. Scully (*admitted pro hac vice*)

Peter G. Siachos

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